

Exhibit 1

LAW OFFICES OF LINDA A. KERNS, LLC

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LINDA A. KERNS (PA, NJ, LL.M. IN TAXATION)

July 8, 2016

Via Email to kristin.bray@phila.gov
and Regular Mail

Kristin K. Bray, Esquire
City of Philadelphia - Law Department
1515 Arch Street - 17th Floor
Philadelphia, PA 19102

Re: American Civil Rights Union v. Philadelphia City Commissioners

Dear Kristin:

Thank you very much for your client taking the time to meet with representatives of the American Civil Rights Union on June 30, 2016, to discuss obtaining access to the requested election records. Below is a summary of the records requested and the status of those records. In some instances, the records could not be produced for a variety of reasons. To that end, our clients agreed to renew discussions about obtaining these records after sending this letter. Could you please let us know as soon as you can when we might renew discussions about when my client can access the below requested records.

1. Countywide Mailing records non-forwardable conducted by local election officials.

These records are produced annually and the records are electronic. The electronic records record the registrants to whom the mailings were sent. They do not include copies of the individualized communications sent to each registrant. The list of registrants to whom these letters were sent is maintained electronically and can be produced for 2015, 2014 and 2013.

2. Countywide Mailing records forwardable conducted by local election officials.

These records do not appear to exist, namely that any mailings sent to registrants were not designated as "forwardable" and if any effort was made to forward mailings it was done on the initiative of the United States Postal Service. Countywide Mailing records non-forwardable conducted by state officials with information to county.

3. Countywide Mailing records non-forwardable conducted by state officials with information to county.
No such records exist.
4. Countywide mailing records forwardable conducted by state officials with information to the county.
No such records exist.
5. Informational mailings non-forwardable conducted for any reason.
No such records exist.
6. Records of returns from items in #1
These records exist in paper form for 2015, 2014 and 2013. The records are contained in boxes and contain returned pieces of mail.
7. Follow up efforts from returned mail from items in #1.
No such records exist.
8. Records of returns from items in #2
No such records exist.
9. Follow up efforts from returned mail from items in #2.
No such records exist.
10. Records of returns from items in #3
No such records exist.
11. Follow up efforts from returned mail from items in #3.
No such records exist.
12. Records of returns from items in #4
No such records exist.
13. Follow up efforts from returned mail from items in #4.
No such records exist.

14. Records of returns from items in #5
No such records exist.
15. Follow up efforts from returned mail from items in #5.
No such records exist.
16. Records showing current registration data by active and inactive.
Responsive records are electronic and will be produced.
17. Records indicating date of placement on inactive status.
Responsive records are stored in electronic form and will be produced.
18. Records indicating date of mailings to inactive voters.
Responsive records are in electronic form and will be produced.
19. List Maintenance Office Guidelines or Policies
No such records exist.
20. NCOA data used for mailings.
Defendants are not in possession of NCOA data. Defendants are in possession of data as to which registrants should received an notification based on their status as being on the NCOA list. Such records are in electronic form and will be produced for 2015, 2014, and 2013.
21. NCOA purchase records.
No such records exist.
22. NCOA data sets by date (how frequently).
No paper records exist. Records of those registrants who were mailed notices pursuant to being found on the NCOA list exist in electronic form. The records of which registrants were mailed notices pursuant to being on the NCOA list will be produced. The records contain the date of any such mailing as well as subsequent responses received.
23. NCOA mailings by forwardable mail.
See response to #22.

24. Returns from NCOA forwardable mailings.
See response to #22.
25. Records of no responses from NCOA mailings.
See response to #22.
26. If local officials do no NCOA mailings, who does and what records exist relating to NCOA mailings by other organizations such as the state.
See response to #22.
27. Jury declination forms from circuit court clerk.
No data or records exist pertaining to jury declination or excusal data.
28. Requests to circuit court clerks to access jury declination data.
No records exist pertaining to jury declination or excusal requests.
29. Records indicating review of registration numbers as compared with eligible citizen voting age population.
No records exist.
30. Records received from United States Attorney for criminal convictions. Note dates of each.
No records exist containing any communications to or from federal officials pertaining to criminal convictions.
31. Records received from local state court for criminal convictions. Note dates of each.
No records exist containing any communications to or from state officials pertaining to criminal convictions or individuals who are incarcerated.
32. Records requesting records of criminal convictions from United States Attorney or local court for greater frequency.
No records exist.
33. Records involving Social Security Death index matches with registrants.
Any records are electronic and will be produced. Such records will be in the form of notations in electronic records that particular individuals appear to be deceased. Any subsequent actions pertaining to these records will be included.

34. Communications to or from local funeral homes.

No such records exist.

35. Communications from relatives asking for registrants to be removed. Records pertaining to actions taken, if any.

All records are electronic and will be produced. Said records are scanned and attached to registrant records.

36. Communications from state officials regarding registrants to be acted on.

Records are electronic and will be produced in electronic form.

37. Records regarding #36 detailing actions taken and when taken.

Records are electronic and will be produced in electronic form.

38. Communications from third parties regarding particular registrants. Records pertaining to actions taken, if any.

All records are electronic and will be produced. Said records are scanned and attached to registrant records.

39. Voter registration forms.

All records are in paper form and defendants will communicate to plaintiff when such records may be reviewed.

40. Voter registration forms citizen check box.

All records are in paper form and defendants will communicate to plaintiff when such records may be reviewed.

41. Communications with attempted registrants who have completed forms regarding any defects or inadequacies in the forms.

All records are in paper form and defendants will communicate to plaintiff when such records may be reviewed.

42. Inquiries by law enforcement agencies or communications with law enforcement agencies regarding list maintenance matters or improperly registered registrants.

No such records exist. Defendants do not communicate with law enforcement agencies regarding aliens who were improperly registered or who voted.

LAW OFFICES OF LINDA A. KERNS, LLC

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43. Records of local office staff making independent inquiry (phone, in person, etc) to inactive or potentially moved, died or incarcerated registrants.

No such records exist.

44. Records related to citizenship status of registrants and validation of the same.

Defendants possess records of individual registrants who informed defendants that they were aliens and not entitled to register to vote. These individuals sought their removal from the registration rolls. Defendants will locate records associated with these instances and provide them to the plaintiff or permit inspection.

Please let us know when we may complete the inspection of the paper records and when you will transmit the electronic records. We remain willing to travel to the office to conduct the inspections. We are keenly sensitive to any resource concerns and have demonstrated a commitment to minimizing any impacts on your clients. For example, we discussed with them the best file format for electronically stored information and remain committed to finding the best and most efficient solution for them to comply with the public records provisions of the National Voter Registration Act.

Very truly yours,



LINDA A. KERNS

LAK/hg

cc: J. Christian Adams, Esquire (via email)
Kaylan Phillips, Esquire (via email)
Susan Carleson (via email)

Exhibit 2



CITY OF PHILADELPHIA

FREDERICK L. VOIGT, ESQ
DEPUTY COMMISSIONER

CITY COMMISSIONERS OFFICE
136 CITY HALL
PHILADELPHIA, PA 19107
(215) 686 - 3939
FAX (215) 686 - 3468
FRED.VOIGT@PHILA.GOV

July 21, 2016

VIA HAND DELIVERY

Linda A. Kerns
1420 Locust Street
Suite 200
Philadelphia, PA 19102

Dear Ms. Kerns:

Please allow this letter to serve as a follow-up to 1) the record review, made pursuant to the NVRA, which you and your clients began in our office on June 30, 2016; and, 2) the letter you sent on July 8, 2016. Before responding to the forty-four (44) individual record requests reflected in your July 8, 2016 letter, I would like to take the time to clarify some matters that you raised during your June 30, 2016 visit.

First, as you are aware from our earlier correspondence and the correspondence from the Pennsylvania Department of State ("Department of State"), the Department of State is the custodian of the Statewide Uniform Registry of Electors (SURE) voter registration system, not the City of Philadelphia. The Department of State collaborates with the 67 county voter registration commissions in Pennsylvania (inclusive of the Philadelphia City Commissioners) to ensure that the administration of voter registration across the Commonwealth is completed uniformly. In addition to the electronic records maintained in the State's SURE VR system, some records are maintained at local Voter Registration Offices, such as the Philadelphia City Commissioners, in hard copy. As discussed below, you may contact me to make an appointment to review these hard copy documents.

Second, during our June 30, 2016 meeting, you and your client seemed to be particularly focused on whether persons convicted of crimes could vote in Pennsylvania. As I am sure you are aware, Pennsylvania law excludes *incarcerated felons* from voting in Pennsylvania elections by absentee ballot. 25 P.S. §§ 2602(w) and 3146.1; *Owens v. Barnes*, 711 F.2d 25, 26, n.2 (3d. Cir. 1983). Pennsylvania permits other individuals who are incarcerated, for non-felonies, to vote by absentee ballot. *Owens v. Barnes*, 711 F.2d 25, 26, n.2 (3d. Cir. 1983). The prohibition on voting lasts only as long as the individual is actually incarcerated for the felony. *Mixon v. Commonwealth*, 759 A.2d 442 (Pa. Cmwlth. 2000). Under Pennsylvania law, felons *are permitted* to be registered to vote, regardless of whether they are incarcerated. *Mixon*. Further, if it came to the City Commissioners' attention that an incarcerated felon impermissibly voted by absentee ballot, our office would refer such a matter to the District Attorney's office.

Finally, below we respond to the specific records you requested in your letter. Where no known records exist, we so state "no records exist." Where records can be provided electronically, we are providing them with this letter. Where the records are only available in hard copy, or in an electronic format that to our knowledge cannot be exported from the SURE VR system, we invite you to come to our office to review the records in person. As we have stated previously, the Voter Registration Office is open Monday through Friday from 8:30 AM to 5:00 PM. We request that you set up an appointment with us so that we may assign a dedicated employee to assist you. My telephone number remains (215) 686-3939. In response to the specific records requested in your letter, the Philadelphia City Commissioners state as follows:

1. Countywide Mailing Records non-forwardable conducted by local election officials.

The Voter Registration ID Cards mailed to each voter are non-forwardable mailings. The electronic record of each ID card mailed is maintained in each individual's SURE VR record. You may review these individual records by making an appointment with us. We have no knowledge of these records being available in another format. You may contact the Commonwealth to determine if these records can be reviewed in another way. To the extent that such records exist in another format, we are not able to obtain them on your behalf.

2. Countywide Mailing records forwardable conducted by local election officials.

The PA-AVN letters, PA-NCA mailings, and PA-Five Year Notices are forwardable mailings. The electronic record of each mailing is maintained in each individual's SURE VR record. You may review these individual records by making an appointment with us. We have no knowledge of these records being available in another format. You may contact the Commonwealth to determine if these records can be reviewed in another way. To the extent that such records exist in another format, we are not able to obtain them on your behalf.

3. Countywide Mailing records non-forwardable conducted by state officials with information to county.

We have no knowledge of mailings conducted by state officials. If you believe that such records exist, please contact the Commonwealth. To the extent that such records exist, we are not aware of them and thus, are unable to obtain them on your behalf.

4. Countywide Mailing records forwardable conducted by state officials with information to the county.

We have no knowledge of mailings conducted by state officials. If you believe that such records exist, please contact the Commonwealth. To the extent that such records exist, we are not aware of them and thus, are unable to obtain them on your behalf.

5. Informational mailings non-forwardable conducted for any reason.

Postcards were mailed to every registered voter in the poll books prior to the 2016 Primary informing them of the location and accessibility of their polling place. A sample postcard is included with this letter. Should you wish to review the names of every voter who received a postcard from the 2016 Primary, please make an appointment with us to review the poll books.

6. Records of returns from items in #1.

Follow up efforts for returned ID Cards are processed in the SURE VR system and therefore records of returns can be found in each individual's SURE VR record. You may review these individual records by making an appointment with us. We have no knowledge of these records being available in another format. You may contact the Commonwealth to determine if these records can be reviewed in another way. To the extent that such records exist in another format, we are not aware of them and thus, are unable to obtain them on your behalf.

7. Follow up efforts from returned mail from items in #1.

Follow up efforts for returned ID Cards are maintained in each individual's SURE VR record. You may review these individual records by making an appointment with us. We have no knowledge of these records being available in another format. You may contact the Commonwealth to determine if these records can be reviewed in another way. To the extent that such records exist in another format, we are not aware of them and thus, are unable to obtain them on your behalf.

8. Records of returns from items in #2.

Hard copies of returned PA-AVN, PA-NCA, and PA-Five Year Notices are available for review at the Voter Registration Office; please make an appointment with us to view these documents.

9. Follow up efforts from returned mail from items in #2.

Follow up efforts for returned PA-AVN, PA-NCA, and PA-Five Year Notices are maintained in each individual's SURE VR record. You may review these individual records by making an appointment. We have no knowledge of these records being available in another format. You may contact the Commonwealth to determine if these records can be reviewed in another way. To the extent that such records exist in another format, we are not aware of them and thus, are unable to obtain them on your behalf.

10. Records of returns from items in #3.

We have no knowledge of mailings conducted by state officials. If you believe that such records exist, please contact the Commonwealth. To the extent that such records exist, we are not aware of them and thus, are unable to obtain them on your behalf.

11. Follow up efforts from returned mail from items in #3.

We have no knowledge of mailings conducted by state officials. If you believe that such records exist, please contact the Commonwealth. To the extent that such records exist, we are not aware of them and thus, are unable to obtain them on your behalf.

12. Records of returns from items in #4.

We have no knowledge of mailings conducted by state officials. If you believe that such records exist, please contact the Commonwealth. To the extent that such records exist, we are not aware of them and thus, are unable to obtain them on your behalf.

13. Follow up efforts from returned mail from items in #4.

We have no knowledge of mailings conducted by state officials. If you believe that such records exist, please contact the Commonwealth. To the extent that such records exist, we are not aware of them and thus, are unable to obtain them on your behalf.

14. Records of returns from items in #5.

Hard copies of returned postcards from the 2016 Primary are available for review at the Voter Registration Office; please make an appointment with us to review these records.

15. Follow up efforts from returned mail from items in #5.

Follow up efforts for returned postcards from the 2016 Primary are currently underway and will be maintained in each individual's SURE VR record. You may review these individual records by making an appointment. We have no knowledge of these records being available in another format. You may contact the Commonwealth to determine if these records can be reviewed in another way. To the extent that such records exist in another format, we are not aware of them and thus, are unable to obtain them on your behalf.

16. Records showing current registration data by active and inactive.

An Excel file of active and inactive voters, with the date they were placed in their respective status, is included with this letter.

17. Records indicating date of placement on inactive status.

An Excel file of active and inactive voters, with the date they were placed in their respective status, is included with this letter.

18. Records indicating date of mailings to inactive voters.

PA-Five Year Notices

2015: 1/7/2015 – 1/8/2015

2014: 1/6/2014 – 1/10/2014

2013: 1/31/2013

19. List Maintenance Office Guidelines or Policies.

Chapter 19 of Title 25 of the Pennsylvania Consolidated Statutes serves as guidance for the department's list maintenance policies. A copy of that statute is available here:

<http://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=25&div=0&chpt=19§n=1&subsectn=0>

20. NCOA data used for mailings.

The electronic record of the data used for NCOA mailings is maintained in the SURE VR system. You may review these records by making an appointment. We have no knowledge of these records being available in another format. You may contact the Commonwealth to determine if these records can be reviewed in another way. To the extent that such records exist in another format, we are not aware of them and thus, are unable to obtain them on your behalf.

21. NCOA purchase records.

No records exist.

22. NCOA data sets by date (how frequently).

2015: 7/21/2015

2014: 7/7/2014

2013: 6/21/2013

The electronic record of the NCOA data sets by date is maintained in the SURE VR system. You may review these records by making an appointment. We have no knowledge of these records being available in another format. You may contact the Commonwealth to determine if these records can be reviewed in another way. To the extent that such records exist in another format, we are not aware of them and thus, are unable to obtain them on your behalf.

23. NCOA mailings by forwardable mail.

2015: 7/21/2015

2014: 7/7/2014, 8/12/2014

2013: 6/21/2013, 7/21/2013-7/30/2013

The electronic record of NCOA mailings is maintained in each individual's SURE VR record. You may review these individual records by making an appointment. We have no knowledge of these records being available in another format. You may contact the Commonwealth to determine if these records can be reviewed in another way. To the extent that such records exist in another format, we are not aware of them and thus, are unable to obtain them on your behalf.

24. Returns from NCOA forwardable mailings.

Hard copies of returned NCOA forwardable mailings are available for review at the Voter Registration Office; please make an appointment to come view the documents.

25. Records of no responses from NCOA mailings.

The electronic record of no responses to NCOA mailings is maintained in each individual's SURE VR record. You may review these individual records by making an appointment. We have no knowledge of these records being available in another format. You may contact the Commonwealth to determine if these records can be reviewed in another way. To the extent that such records exist in another format, we are not aware of them and thus, are unable to obtain them on your behalf.

26. If local officials do no NCOA mailings, who does and what records exist relating to NCOA mailings by other organizations such as the state.

N/A

27. Jury declination forms from circuit court clerk.

We have no knowledge of jury declination forms maintained by a circuit court clerk. If you believe that such records exist, please contact the circuit court clerk. To the extent that such records exist, we are not aware of them and thus, are unable to obtain them on your behalf.

28. Requests to circuit court clerks to access jury declination or excusal requests.

No records exist.

29. Records indicating review of registration numbers as compared with eligible citizen voting age population.

No records exist.

30. Records received from United States Attorney for criminal convictions. Note dates of each.

For those convictions in which the court orders (as part of the sentence) a forfeiture of the right to vote, the electronic record of such order is maintained in each individual's SURE VR record. You may review these individual records by making an appointment with us. We have no knowledge of these records being available in another format. You may contact the Commonwealth to determine if these records can be reviewed in another way. To the extent

that such records exist in another format, we are not aware of them and thus, are unable to obtain them on your behalf.

31. Records received from local state court for criminal convictions. Note dates of each.

For those convictions in which the court orders (as part of the sentence) a forfeiture of the right to vote, the electronic record of such order is maintained in each individual's SURE VR record. You may review these individual records by making an appointment with us. We have no knowledge of these records being available in another format. You may contact the Commonwealth to determine if these records can be reviewed in another way. To the extent that such records exist in another format, we are not aware of them and thus, are unable to obtain them on your behalf.

32. Records requesting records of criminal convictions from United States Attorney or local court for greater frequency.

No records exist. To the extent that you are requesting information regarding Court orders affecting the City Commissioners, such an order would be served on the City Commissioners and entered into each individual's SURE VR record. As discussed in this letter, you may review these individual records by making an appointment with us.

33. Records involving Social Security Death index matches with registrants.

No records exist.

34. Communications to or from local funeral homes.

No records exist.

35. Communications from relatives asking for registrations to be removed. Records pertaining to actions taken, if any.

The electronic record of any communication from relatives asking for registrations to be removed is maintained in each individual's SURE VR record. You may review these individual records by making an appointment with us. We have no knowledge of these records being available in another format. You may contact the Commonwealth to determine if these records can be reviewed in another way. To the extent that such records exist in another format, we are not aware of them and thus, are unable to obtain them on your behalf.

36. Communications from state officials regarding registrants to be acted on.

The electronic record of communications from state officials regarding registrants to be acted on is maintained in the SURE VR system. You may review these records by making an appointment with us. We have no knowledge of these records being available in another format. You may contact the Commonwealth to determine if these records can be reviewed in another way. To the extent that such records exist in another format, we are not aware of them and thus, are unable to obtain them on your behalf.

37. Records regarding #36 detailing actions taken and when taken.

The electronic record of actions taken in response to communications from state officials regarding registrants to be acted on is maintained in each individual's SURE VR record. You may review these individual records by making an appointment with us. We have no knowledge of these records being available in another format. You may contact the Commonwealth to determine if these records can be reviewed in another way. To the extent that such records exist in another format, we are not aware of them and thus, are unable to obtain them on your behalf.

38. Communications from third parties regarding particular registrants. Records pertaining to actions taken, if any.

To the extent that records are available, hard copies of communications from third parties and actions taken can be reviewed at the Voter Registration Office; please make an appointment to review these records.

39. Voter registration forms.

Hard copies of voter registration forms are available for review at the Voter Registration Office; please make an appointment to review these records.

40. Voter registration forms citizen check box.

Hard copies of the citizen check box on the voter registration forms are available for review at the Voter Registration Office; please make an appointment to review these records.

41. Communications with attempted registrants who have completed forms regarding any defects or inadequacies in the forms.

The electronic record of communications with attempted registrants regarding defects or inadequacies in the forms is maintained in each individual's SURE VR record. You may review these individual records by making an appointment with us. We have no knowledge

of these records being available in another format. You may contact the Commonwealth to determine if these records can be reviewed in another way. To the extent that such records exist in another format, we are not aware of them and thus, are unable to obtain them on your behalf.

42. Inquiries by law enforcement agencies or communications with law enforcement agencies regarding list maintenance matters or improperly registered registrants.

To the extent that records are available, hard copies of communications from law enforcement agencies can be reviewed at the Voter Registration Office; please make an appointment to review these records.

43. Records of local office staff making independent inquiry (phone, in person, etc) to inactive or potentially moved, died or incarcerated registrants.

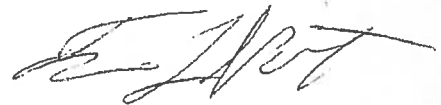
To the extent that records are available, hard copies of office staff making independent inquiry to inactive or potentially moved, died, or incarcerated registrants can be reviewed at the Voter Registration Office; please make an appointment to review these records.

44. Records related to citizenship status of registrants and validation of the same.

A report from SURE VR has been included with this letter.

Again, we reiterate our invitation to come to our office to review any election records covered by the NVRA. So that we may insure you receive prompt service, please let us know a date and time convenient to you to complete the inspection of the hard copy records or the records maintained in the SURE VR system. We remain committed to being responsive to your requests.

Sincerely,

A handwritten signature in black ink, appearing to read 'F. Voigt', is written over a horizontal line.

**Frederick L. Voigt, Esq.
Deputy City Commissioner**

Hand Delivery Mail Receipt

I confirm I hand-delivered an envelope addressed to:

Linda A. Kerns
1420 Locust Street
Suite 200
Philadelphia, PA 19102

It was received by:

Name: Linda A. Kerns, Esquire

Signature: 

I delivered this on:

Date: 7-22-16

Time: 1:40 PM

Name: Seth Bluestein

Signature: 